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January 2, 2009

Mr. Andrew McGilvray  
Executive Secretary  
Foreign-Trade Zones Board  
U.S. Department of Commerce  
Room 2814B  
1401 Constitution Avenue, N.W.  
Washington, D.C. 20230

RECEIVED

JAN 02 2009

FOREIGN-TRADE ZONES BOARD  
EXECUTIVE SECRETARY

Re: Withdrawal of Request for Hearing; Docket No. 53-2008; Foreign-Trade Zone 242, Boundary County, Idaho; Application for Subzone, Hoku Materials, Inc. (Polysilicon Manufacturing), Pocatello, Idaho

Dear Mr. McGilvray:

On November 10, 2008, we requested on behalf of Globe Metallurgical Inc. ("Globe") that the Foreign-Trade Zones Board (the "Board") hold a hearing on the above-referenced application for a foreign-trade subzone for Hoku Materials, Inc. ("Hoku"). We understand that Hoku has submitted an amendment to its application stating that it will not bring any silicon metal into the subzone that is subject to an antidumping or countervailing duty order and that it agrees to a Board restriction on approval of the subzone prohibiting any silicon metal subject to any such order from being admitted into the subzone. A copy of the letter submitting this amendment is enclosed.

In view of this amendment, which addresses concerns raised by Globe, we hereby withdraw Globe's request for a hearing.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'William D. Kramer'.

William D. Kramer  
Martin Schaefermeier  
DLA Piper LLP (US)  
500 Eighth Street, N.W.  
Washington, D.C. 20004

Counsel for Globe Metallurgical Inc.

cc: Diane Finver

Enclosure  
EAST42308714.1



December 31, 2008

Mr. Andrew McGilvray  
Executive Secretary  
Foreign-Trade Zones Board  
U.S. Department of Commerce  
Room 2814B  
1401 Constitution Avenue, N.W.  
Washington, DC 20230

Re: Amendment to Application; Docket No. 53-2008; Foreign-Trade Zone 242,  
Boundary County, Idaho; Application for Subzone, Hoku Materials, Inc.  
(Polysilicon Manufacturing), Pocatello, Idaho

Dear Mr. McGilvray,

As an authorized officer of Hoku Materials, Inc. ("*Hoku*"), I hereby submit this amendment to the foregoing Application for Subzone (the "*Application*"). Attached is the changed page from the Application. The only change is to add the following language in response to Question 49:

Notwithstanding the foregoing, we will not bring any silicon metal into the manufacturing subzone that is subject to an antidumping or countervailing duty order. We agree to an FTZ Board restriction on approval of the subzone prohibiting any silicon metal subject to an order from being admitted into the subzone.

Thank you for your assistance in this matter. Please contact me with any questions.

Sincerely yours,

HOKU MATERIALS, INC.

By:

A handwritten signature in black ink, appearing to read "Scott B. Paul", written over a horizontal line.

Scott B. Paul  
Chief Operating Officer

**Amendment to Application; Docket No. 53-2008; Foreign-Trade Zone 242, Boundary County, Idaho; Application for Subzone, Hoku Materials, Inc. (Polysilicon Manufacturing), Pocatello, Idaho**

**49. Pursuant to the definition of "primary" components below, do you have components/inputs that are subject to antidumping ("AD") or countervailing duty ("CVD") duties? Are any of the components subject to quantitative restrictions (quotas)? Are you aware of any other trade-related issues affecting any of the components? If yes to any of these questions, explain.**

Yes, the item known as HTSUS 2804.69 – silicon containing by weight <99% is covered under AD order 73 FR 12378-12382. We are aware of the issue and found it is attached to the dumping case A570-806-000 and specific to China. The countries we will be dealing with are Australia, Brazil, South Africa and China. China is not a primary country that will likely be used. As the pricing for the raw material is significantly more because of specific taxes the country has imposed on polysilicon. We have been in contact with an expediting company here in the U.S. and their counterpart in the countries in question to help with any questions/concerns or issues that might arise.

Also, there is an issue with the import/export of "used polysilicon" to China. We want to make it known that we are also aware of this issue and view it as not a problem. China will not accept used polysilicon in any form. If the polysilicon is shipped in vacuum sealed bags then it is not considered "used polysilicon." In all of our contractual obligations "the Company" who will be receiving the item is responsible for the correct packaging and shipping details.

Notwithstanding the foregoing, we will not bring any silicon metal into the manufacturing subzone that is subject to an antidumping or countervailing duty order. We agree to an FTZ Board restriction on approval of the subzone prohibiting any silicon metal subject to an order from being admitted into the subzone.